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Attorneys for Defendant GUANGZHI CAO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TESLA, INC., a Delaware corporation,

Plaintiff,

v.

GUANGZHI CAO, an individual,

Defendant.

Case No. 3:19-cv-01463-VC

JOINT REPORT RE ADR

1 In accordance with this Court's General Order for Pending Civil Cases Before Judge Vince
 2 Chhabria (Dkt. No. 89), on August 18, 2020, counsel for Plaintiff Tesla, Inc. and Defendant Guangzhi
 3 Cao met and conferred regarding the prospect of resolution and the matters raised in the General Order.

4 **Tesla's Statement:** Plaintiff Tesla, Inc. believes that this trade secret misappropriation and
 5 breach of contract case is not a good candidate for settlement discussions at this time. On May 27, 2020,
 6 the Court ordered the employer of defendant Cao, third-party XMotors.ai, Inc., to produce its source
 7 code, source code logs, and forensic images of laptops assigned to Cao's colleagues at XMotors. Tesla
 8 and XMotors disagreed about how XMotors should produce this discovery. Magistrate Judge Westmore
 9 resolved those disputes in orders issued on June 29, 2020 and July 24, 2020. Nevertheless, as of this
 10 filing, XMotors has not produced its source code, source code logs, or ten of the fourteen responsive
 11 forensic images. The parties agree that settlement discussions would not be productive before XMotors
 12 produces and the parties have an opportunity to review the discovery subject to the Court's May 27,
 13 2020 Order.

14 **Cao's Statement:** Defendant Guangzhi Cao believes that the case can and should be resolved
 15 immediately and stands ready to engage in further settlement discussions. (The parties previously
 16 attended a mediation in November 2019, which did not result in a resolution of this matter.)

17 *****

18 The parties agree that, in light of their current respective positions, the case is unlikely to benefit
 19 from assistance by a Magistrate Judge or the Court's ADR program at this time.

20 Counsel for the parties certify that they have shown a copy of the General Order to their
 21 respective clients.

22
 23 Date: August 27, 2020

Respectfully submitted,
 24 CONRAD & METLITZKY LLP

25 /s/ Mark R. Conrad
 26 MARK R. CONRAD
 27 GABRIELA KIPNIS
 28 Attorneys for Defendant Guangzhi Cao

1 Date: August 27, 2020

THE NORTON LAW FIRM PC

2 /s/ Fred Norton

FRED NORTON

3 BREE HANN

MATTHEW W. TURETZKY

4 Attorneys for Plaintiff Tesla, Inc.

DECLARATION OF CONSENT

The undersigned attests, pursuant to Civil L.R. 5-1(i)(3), that concurrence in the filing of the document has been obtained from the other signatories to this document.

Dated: August 27, 2020

/s/ Matthew Turetzky
Matthew Turetzky